

REMARKS

Claims 12 to 22 are pending. Claims 12, 13, 14, 19 and 21 have been amended. No new matter has been added. In view of the foregoing amendments and the following remarks, Applicants respectfully submit that all of the presently pending claims are allowable.

Applicants note with appreciation the acknowledgement of the claim for foreign priority and the indication that all certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement (IDS), 1449 paper, and cited references.

Claims 12 and 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by German Patent Publication No. 198,56,129 ("Zander").

Claim 12, as herein amended without prejudice, recites:

An apparatus for obtaining physiological data of at least one person, comprising:

at least one sensor for detecting the physiological data, including a measured pulse rate of the at least one person; and a control unit for determining, on the basis of the physiological data, the age of the at least one person.

Zander fails to disclose (nor has Zander been alleged to purportedly disclose), or even suggest, determining the age of a person **on the basis of physiological data including a measured pulse rate of the at least one person**. Zander only uses pattern recognition to estimate age.

Accordingly, Zander does not identically disclose, or even suggest, all of the features of claim 12, as presented, so that Zander does not anticipate claim 12 or its dependent claims, e.g., claim 13.

Withdrawal of this anticipation rejection is therefore respectfully requested.

Claim 16 is rejected under 35 U.S.C. § 103(a) as unpatentable over Zander in view of U.S. Patent No. 5,071,160 ("White").

Claim 16 ultimately depends from claim 12 and is therefore allowable for at least the same reasons as claim 12, since White does not cure (nor has White been alleged to purportedly cure) the deficiencies of Zander described above with respect to claim 12.

Withdrawal of this obviousness rejection is therefore respectfully requested.

Claims 14, 15 and 17 are rejected under 35 U.S.C. § 103(a) as unpatentable over Zander in view of U.S. Patent No. 6,393,136 (“Amir”) and U.S. Patent No. 5,448,312 (“Roffman”).

Claims 14, 15 and 17 ultimately depend from claim 12 and are therefore allowable for at least the same reasons as claim 12, since the addition of Amir and Roffman does not cure (nor have Amir and Roffman been alleged to purportedly cure) the deficiencies of Zander described above with respect to claim 12.

Withdrawal of this obviousness rejection is therefore respectfully requested.

Claim 18 is rejected under 35 U.S.C. § 103(a) as unpatentable over Zander, Amir and Roffman in view of U.S. Patent No. 6,154,559 (“Beardsley”).

Claim 18 ultimately depends from claim 14 and is therefore allowable for at least the same reasons as claim 14, since the addition of Beardsley does not cure (nor has Beardsley been alleged to purportedly cure) the deficiencies of Zander, Amir and Roffman described above with respect to claim 14.

Withdrawal of this obviousness rejection is therefore respectfully requested.

Claims 19 to 22 are rejected under 35 U.S.C. § 103(a) as unpatentable over Zander, Amir and Roffman in view of U.S. Patent Application 2002/0101337 (“Igaki”).

Claims 19 to 22 ultimately depends from claim 14 and are therefore allowable for at least the same reasons as claim 14, since the addition of Igaki does not cure the deficiencies of Zander, Amir and Roffman described above with respect to claim 14.

Igaki fails to disclose, or even suggest, determining the age of a person **on the basis of physiological data including a measured pulse rate of the at least one person.** Igaki utilizes the measured pulse rate of a driver to predict the moment at which the driver feels it is necessary to initiate a braking operation. Nowhere does Igaki mention using pulse rate for other purposes such as determining age.

Accordingly, the combination of Zander, Amir, Roffman and Igaki does not render obvious claim 14 or its dependent claims, e.g., claims 19 to 22.

Separately and independently, claim 21 recites “wherein the at least one further measured value includes an electrical parameter of the at least one person, the **electrical parameter being indicative of a body composition** of the at least one person.” In contrast, Igaki only discloses the measuring of *pulse rate*. The Office Action describes the pulse rate as an “electrical pulse rate,” but it is unclear how the pulse rate could be construed as electrical in nature. Moreover, pulse rate, as utilized by Igaki, is not indicative of body composition. For this additional reason, the combination of Zander, Amir, Roffman and

Igaki does not disclose or suggest all of the features of claim 21, so that claim 21 is allowable for this additional reason.

Withdrawal of this obviousness rejection is therefore respectfully requested.

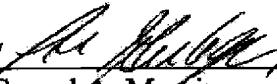
CONCLUSION

For at least the foregoing reasons, it is respectfully submitted that all pending claims of the present application are in allowable condition. Prompt reconsideration and allowance of the application are respectfully requested.

Respectfully Submitted,

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